

CITY COUNCIL AGENDA

DECEMBER 17, 2002

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID D. CORTESE
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.ci.san-jose.ca.us/cty_clk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Room 600, City Hall
Absent – Council Members – None.

1:34 p.m. - Regular Session, Council Chambers, City Hall
Absent – Council Members – None.

7:08 p.m. - Public Hearings, Council Chambers, City Hall
Absent – Council Members – None.

7:37 p.m. – General Plan Hearings, Council Chambers, City Hall
Absent – Council Members – None.
- **Invocation (Mayor)**
Pastor Shawnee Hardridge of the All Tribes Baptist Chapel delivered the Invocation.
- **Pledge of Allegiance**
Pledge of Allegiance led by members of the high school youth cadet program.
- **Orders of the Day**
Item 1.3 of the General Plan was deferred, in part, to the April 2003 General Plan Hearings, and the Orders of the Day approved.

1 CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation welcoming Cirque du Soleil to San José. (Conventions, Arts and Entertainment)
Mayor Gonzales presented a proclamation to Cirque de Soleil and welcomed the production back to the City of San Jose. Martin DuMont accepted the honor on behalf of Cirque de Soleil , thanking the Mayor and Council for the opportunity to make this year's production another successful run from 1/16/03 through 2/16/03.

SEE ITEM 10.4 FOR COUNCIL ACTION TAKEN

- 1.2 Presentation of plaques to Youth Commission members: Melvin Cabebe for 1 year 1 month service, to Jen Hernandez for 2 years 10 months service, to Justin Imamura for 2 years 10 months service, to Albert Leung for 1 year 1 month service, to Rachel Stone for 2 years 10 months service, and to Stephanie Tsai for 2 years 4 months service. (Mayor)
Deferred to 1/14/03
- 1.3 Presentation of plaques to Paul Feci for 4 years service on the Human Rights Commission and to Carolyn Crowley for 2 years 6 months service on the Child Care Commission. (Mayor)
Mayor Gonzales presented plaques to Paul Feci for service on the Human Rights Commission and to Carolyn Crowley for service on the Child Care Commission and thanked them for their years of service.
- 1.4 Presentation of an expression of appreciation to community leaders and Council Members who contributed to the Police Activities League (PAL) Cadet Scholarship Fund. (Police)
Mayor Gonzales expressed appreciation to Chief of Police William M. Lansdowne, Commander of Community Services Division Captain Randall Cooper, and President of the PAL Association Rocco Morrella, in regards to their leadership and contributions to the Police Activities League Cadet Scholarship Fund. Captain Randall Cooper and Mr. Rocco Morrella thanked the Mayor and City Council for their support and commended the ongoing support of Council Member Shirakawa, Jr. and presented him with a commendation.
- 1.5 Presentation of a commendation to Westfield Shoppingtown for their commitment to the San José community by holding their 4th annual “Westfield Works Wonders” event at Westfield Shoppingtown Oakridge and Valley Fair. (Dando/Yeager)
(Rules Committee referral 12/11/02)
Mayor Gonzales was joined by Council Members Dando and Yeager in the presentation of a commendation to Phillipe St. Pierre and Paul Kurzawa, from Westfield Shoppingtown Oakridge and Valley Fair, for their sponsored events and strong commitment to the community of San Jose.

1 CEREMONIAL ITEMS

- 1.6 Presentation of a commendation to Paul Mircea Gorenium for his Excellence Award for “Space Dance for Peace IV” from the city of Beijing, China. This sculpture has been installed in the International Sculpture Park in Beijing for the 2008 Olympic Games. (LeZotte)
(Rules Committee referral 12/11/02)
Council Member LeZotte joined Mayor Gonzales at the podium to present a commendation to artist, Paul Mircea Gorenium, and honored him for his artistic endeavors and achievements.
- 1.7 **Mayor Gonzales was joined at the podium by City Manager Borgsdorf for presentation of a commendation to outgoing Senior Deputy City Manager Darrell Dearborn on the occasion of his last City Council meeting prior to his retirement. City Manager Borgsdorf commented on the talent, competence and professionalism which Mr. Dearborn has brought to his work at the City and described him as a leader noted for his integrity and ethics. Mayor Gonzales presented the commendation and Mr. Dearborn thanked the Mayor and City Council for the honor, stated he was grateful for the opportunity to work with both current and past Mayors and City Councils on the incredible array of projects and services on which he has had the privilege of working.**
- 1.8 **Mayor Gonzales called to the podium outgoing City Council Member George Shirakawa, Jr., for recognition at his last City Council meeting of his term which ends in December 2002. Mayor Gonzales recalled how Council Member Shirakawa answered the call of his district to fill his father’s unexpired term on the San José City Council after his father’s untimely death and went on to become a powerful voice for the residents of District 7. The Council Members in turn wished him well and commented on his leadership and the contribution he has made in his years of service to the City of San José.**
- 1.9 **Mayor Gonzales called forward Council Member Diquisto to be honored at his last City Council meeting prior to his term ending in December 2002, recalling the years of faithful service Mr. Diquisto has given to the City of San Jose and it’s residents, first in his career as a San Jose City Firefighter, and more recently as San Jose City Council Member. Commenting on the fantastic job he has done in representing the residents of District 9 residents as their Council Member. Mayor Gonzales presented him with a commendation and spoke about the benefits received from his guidance and leadership through the years. Council Member Diquisto received well wishes at his departure from his office from the full City Council.**

2 CONSENT CALENDAR

2.1 Approval of Minutes.

None.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26789 – Amends Sections 20.100.470 and 20.100.480 of Chapter 20.100 of Title 20 of the San José Municipal Code in order to modify the provisions related to storm water management including the requirements for a Storm Water Pollution Prevention Plan (SWPPP) and a notice of intent.

Ordinance No. 26789 adopted.

- (b) ORD. NO. 26790 – Prezones certain real property situated at the southwest corner of Forest and Ciro Avenues to CO Office Commercial Zoning District. C 02-081

Ordinance No. 26790 adopted.

2.3 Approval of a second continuation agreement for legal services related to the RFP for the operation and/or lease of the Municipal Water System.

Recommendation: Adoption of a resolution authorizing the City Attorney to negotiate and execute a second continuation agreement with Hawkins, Delafield and Wood for legal services related to the RFP for the operation and/or lease of the Municipal Water System, to extend the term through January 31, 2003, at no additional cost to the City. (City Attorney's Office)

Resolution No. 71339 adopted.

2.4 Approval of a grant application for shuttle buses at the Airport.

Recommendation: Adoption of a resolution authorizing the City Manager to apply for, and execute upon receipt, a grant from the California Energy Commission (CEC), to be used to defray the incremental costs of leasing five compressed natural gas (CNG) shuttle buses at the Norman Y. Mineta San José International Airport, in an amount in excess of the City Manager's contract authority of \$100,000. CEQA: Resolution No. 67380, PP 02-11-354. (Airport)

Resolution No. 71340 adopted.

2.5 Approval of an agreement for environmental analysis of Airport issues and projects.

Recommendation: Approval of a first amendment to the consultant agreement with David J. Powers & Associates, Inc. for environmental analysis of Airport issues and projects under the existing agreement which extends from July 1, 2002 to June 30, 2003, increasing the maximum cost of the agreement by \$60,000, from \$100,000 to \$160,000. CEQA: Resolution No. 67380, PP 02-11-336. (Airport)

Approved.

2 CONSENT CALENDAR

2.6 Approval to provide funding for building security improvements.

Recommendation: Adoption of appropriation ordinance amendments in the General Fund in the amount of \$250,000 to provide funding for building security improvements.

CEQA: Exempt, PP02-11-363. (General Services/City Manager's Office)

Ordinance No. 26793 adopted.

2.7 Approval of revisions to the Arts Grants Program Guidelines.

Recommendation: Approval of revisions to the Arts Grants Program Guidelines implementation in Fiscal Year 2003-04, with a one-year grace period for those Fiscal Year 2002-03 arts grantees that are unable to meet revised eligibility requirements.

CEQA: Not a Project. (Conventions, Arts and Entertainment)

Approved.

Staff directed to evaluate the current method of conducting outreach to disadvantaged neighborhoods pertaining to the opportunities available for community art.

2.8 Approval to designate Bay Area Urban Economics for retail sales tax analysis.

Recommendation: Adoption of a resolution designating Bay Area Urban Economics as a representative of the City, authorized to examine all sales and use tax records of the California State Board of Equalization for an Office of Economic Development retail analysis project being completed by Metrovation LLC. CEQA: Not a Project. (Economic Development)

Resolution No. 71341 adopted.

2.9 Approval of an agreement for a scientific evaluation of the South San Francisco Bay.

Recommendation: Approval of the first amendment to the consultant agreement with San Francisco State University, (SFSU) for a scientific evaluation of the plankton community of the South San Francisco Bay, extending the term of the agreement by 11 months, from January 31, 2005 to December 31, 2005, and correcting milestone dates, at no additional cost to the City. CEQA: Not a Project. (Environmental Services)

Approved.

2.10 Approval of an agreement for advertising and public relations services to support the Recycle Plus! Program.

Recommendation: Approval of a first amendment to the consultant agreement with ICF Associates, Inc., for advertising and public relations services to support the Recycle Plus Program, extending the expiration date of the contract by six months from January 1, 2003 through June 30, 2003, at no additional cost to the City. CEQA: Not a Project. (Environmental Services)

Approved.

2 CONSENT CALENDAR

2.11 Approval to designate the Emergency Services Council as the San José Citizen Corps Council.

Recommendation: Adoption of a resolution to designate the Emergency Services Council as the San José Citizen Corps Council. CEQA: Not a Project. (Emergency Services)

Resolution No. 71342 adopted.

Staff directed to increase efforts to aggressively conduct community outreach and to pursue opportunities to train a larger core of citizen volunteers in emergency preparedness skills.

2.12 Approval of amendments to the City Pay Plan for various job classifications.

Recommendation: Adoption of a resolution:

- (a) To change the job classification titles of:
 - (1) Recreation Aide PT (6107) to Community Services Aide PT, and
 - (2) Director of Human Resources (1439) to Director of Employee Services.
 - (b) To change salary ranges, effective January 5, 2003, for the classifications of:
 - (1) Library Clerk (6213) and (6214) to \$16.96 - \$20.61 per hour,
 - (2) Library Assistant (6221) and (6222) to \$23.27 - \$28.28 per hour,
 - (3) Sr. Librarian (6235) to \$33.36 - \$40.67 per hour, and
 - (4) Fire Division Chief (2331) to \$52.90 - \$64.46 per hour.
 - (c) To delete various job classifications.
- CEQA: Not a Project. (Employee Services)

Resolution No. 71343 adopted.

Staff to return to Council in 60 days with a Special Adjustment for the Librarian I and II classifications.

2.13 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

Recommendation:

- (a) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2002-2003 #17 and authorization for the Director of General Services to execute the purchase orders. CEQA: Not a Project.
Approved.
- (b) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2002-2003 #18 and authorization for the Director of General Services to execute the purchase orders. CEQA: Resolution No. 67380, PP02-10-274.
Approved.
- (c) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2002-2003 #19 and authorization for the Director of General Services to execute the purchase orders. CEQA: Not a Project.
(General Services) **Approved.**

2 CONSENT CALENDAR

2.14 Approval of a sole source purchase of standardized tank components.

Recommendation: Approval of award for a sole source purchase of 210 flight assemblies for the dissolved air flotation (DAF) tanks to U.S. Filter/Envirex (Waukesha, WI) for the Department of Environmental Services, for a total cost of \$225,051.75, including tax and delivery, and authorization for the Director of General Services to execute the purchase order. CEQA: Not a Project. (General Services)

Approved.

2.15 Approval of a sole source purchase for parking revenue control system equipment.

Recommendation: Approval of award for sole source purchase for the Department of Transportation, for equipment required to upgrade two garage parking revenue control systems to Federal Signal Corporation (Novi, Michigan), for a total cost of \$116,921, including tax and installation, and authorization for the Director of General Services to execute the purchase order. CEQA: Not a Project. (General Services)

Approved.

2.16 Approval of an agreement for polygraph services.

Recommendation: Adoption of a resolution authorizing the City Manager to:

- (a) Negotiate and execute an agreement with Harman and Shaheen Polygraph Services, Inc. to administer polygraph services for the period October 1, 2002 to September 30, 2003, in an amount not to exceed \$96,250; and
- (b) Exercise up to four one-year options to extend the term of the agreement with Harman and Shaheen Polygraph Services, Inc. in an amount not to exceed \$100,750 for the first option year; in an amount not to exceed \$105,250 for the second option year; in an amount not to exceed \$109,750 for the third option year; and in an amount not to exceed \$114,250 for the fourth option year, subject to appropriations for each option year.

CEQA: Not a Project. (Police)

Resolution No. 71344 adopted.

2.17 Approval to award a contract for the Norman Y. Mineta San José International Airport - Modular Parking Office Project.

Recommendation: Report on bids and award of contract for the Norman Y. Mineta San José International Airport - Modular Parking Office Project to the low bidder, Design Space Modular Buildings, Inc. in the amount of \$122,082, and approval of a contingency in the amount of \$12,000. CEQA: Resolution No. 67380, PP02-05-106. (Public Works)

Deferred to 1/14/03.

2 CONSENT CALENDAR

2.18 Approval to award a contract for the Southside Tot Lot Renovation Rebid Project (Phase I).

Recommendation: Report on bids and award of contract for the Southside Tot Lot Renovation Rebid Project to the low bidder, and approval of a five percent contingency. CEQA: Exempt, PP02-02-028. Council District 2. (Public Works)
Deferred to 1/14/03.

2.19 Approval to award a contract for the Waterford Park Renovation Project.

Recommendation: Report on bids and award of contract for the Waterford Park Renovation Project to the low bidder, JFC Construction, Inc., in the amount of \$142,163, and approval of a contingency in the amount of \$7,000. CEQA: Exempt, PP02-06-173. Council District 10. (Public Works)
Approved.

2.20 Approval of contract change order for the Fourth Major Interceptor Phase V/VA Project.

Recommendation: Approval of Contract Change Order No. 9 with Mountain Cascade, Inc. for the Fourth Major Interceptor Phase V/VA Project in the amount of \$153,151.49, for a total contract amount of \$26,548,059.13, and a time extension of 20 working days, for a total of 408 working days. CEQA: Resolution No. 60197, PP02-11-339. Council District 4. (Public Works)
Approved.

2.21 Approval to set a Public Hearing and vacate a portion of Union Avenue.

Recommendation: Adoption of a resolution of intention:
(a) To vacate a portion of Union Avenue, reserving a public service easement over a portion of the vacated street, a public service easement between Woodard Road and Stratford Avenue; and
(b) Setting a Public Hearing on January 21, 2003 at 1:30 p.m.
CEQA: Negative Declaration, CP01-12-107. Council District 9. (Public Works)
Resolution No. 71345 adopted.

2 CONSENT CALENDAR

2.22 Approval of various actions related to the Stonegate Skatepark Project.

Recommendation:

- (a) Report on bids and award of contract for the Stonegate Skatepark Project to the low bidder, JFC Construction, Inc., for the base bid only in the amount of \$203,850 and approval of a contingency in the amount of \$20,000.

Approved.

- (b) Adoption of the following appropriation ordinance amendments in the Subdivision Park Trust Fund
- (1) Establish a Stonegate Park Skateboard Facility Project for \$192,000.
 - (2) Decrease the Reserve: Future PDO/PIFO Projects by \$192,000.

Ordinance No. 26794 adopted.

- (c) Adoption of the following appropriation ordinance amendments in the Council District 7 Construction and Conveyance Tax Fund:
- (1) Increase the Stonegate Park Skateboard Facility Project by \$9,000.
 - (2) Decrease the Ending Fund Balance by \$9,000.

CEQA: Mitigated Negative Declaration, PP02-10-288. Council District 7. (Public Works/City Manager's Office)

Ordinance No. 26795 adopted.

2.23 Approval to negotiate and execute an agreement for the construction and maintenance of a public storm sewer.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a storm drain easement and maintenance agreement with BP Almaden Associates, LLC, for the construction and maintenance of a public storm sewer through private property. CEQA: Resolution No. 68839. Council District 3. (Public Works/Transportation)

Resolution No. 71346 adopted.

2.24 Approval to transfer fire hydrant maintenance responsibility to San José Water Company.

Recommendation: Adoption of a resolution authorizing the City Manager to terminate the existing fire hydrant maintenance agreement with San José Water Company, thereby transferring maintenance responsibility to San José Water Company for fire hydrants located within its service territory in accordance with General Order 103 of the Public Utilities Commission of the State of California. CEQA: Not a Project. (Transportation)

Resolution No. 71347 adopted.

Staff directed to provide Council with a monetary analysis of the request by the San José Water Company to the PUC for rate increase, and Staff to ensure that an appropriate level of service is guaranteed to the City's contract with San José Water Company.

2 CONSENT CALENDAR

2.25 Acceptance of a \$10,000 gift for Traffic Calming Public Education.

Recommendation:

- (a) Adoption of a resolution accepting a \$10,000 donation from the California State Automobile Association to be used for Traffic Calming Public Education and Awareness Services, also known as “Street Smarts”; and

Resolution No. 71348 adopted.

- (b) Adoption of the following appropriation ordinance and funding sources resolution amendments in the Gift Trust Fund:

- (1) Increasing the estimate for Earned Revenue by \$10,000; and
- (2) Establishing an appropriation to the Department of Transportation for Traffic Calming Public Education and Awareness Services (“Street Smarts”) in the amount of \$10,000.

CEQA: Not a Project. (Transportation/City Manager's Office)

Ordinance No. 26796 adopted.

Resolution No. 71349 adopted.

2.26 Approval of an agreement for the Almaden/Woz Way parking lot.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to a lease agreement with Boston Properties (dba BP Almaden Associates, LLP) in the amount of \$240,000 (\$20,000 per month) for the Almaden/Woz Way parking lot, located at 282 Almaden Boulevard, extending the lease for the period January 1, 2003 to December 31, 2003. CEQA: Not a Project. Council District 3. (Transportation)

Resolution No. 71350 adopted.

2.27 Approval of the re-appointment of members to the Workforce Investment Board of Directors.

Recommendation: Approval of the Mayor's (CLEO) re-appointment of current members to the Workforce Investment Board of Directors for a second two-year term. (Mayor)

(Deferred from 12/10/02 – Item 2.6)

Deferred to 1/14/03.

2 CONSENT CALENDAR

2.28 Approval to negotiate an amendment to the agreement with Hanson, Bridgett, Marcus, Vlahos, Rudy LLP as the Evaluator to the Ethics Board.

Recommendation:

- (a) Adoption of a resolution authorizing the City Attorney to negotiate and execute an amendment to the agreement with Hanson, Bridgett, Marcus, Vlahos, Rudy LLP to increase the maximum amount of compensation for investigation services as the Evaluator to the Ethics Board in an amount not to exceed \$120,000.

Resolution No. 71351 adopted.

- (b) Adoption of appropriation ordinance amendments in the General Fund to:
- (1) Increase the appropriation in City-Wide to the Office of the City Clerk in the amount of \$140,000 for Campaign Finance Review and Ethics Board.
 - (2) Reduce Contingency Reserve in the amount of \$140,000.

(City Attorney's Office/City Clerk's Office/City Manager's Office)

(Rules Committee referral 12/11/02)

Ordinance No. 26797 adopted.

2.29 Approval to submit to the Surface Transportation Board and Union Pacific Railroad, a Public Use Condition request and Petition for Reconsideration of the abandonment of rail line located in San José.

Recommendation: Adoption of a resolution authorizing the City Manager to submit to the Surface Transportation Board (STB) and Union Pacific Railroad, a Public Use Condition request and Petition for Reconsideration of the proposed abandonment of approximately 2.85 miles of rail line located in San José. CEQA: Exempt, PP02-12-370. Council Districts 3, 6, and 7. SNI: Spartan/Keyes, Tully/Senter, University and Washington. (Parks, Recreation and Neighborhood Services)
(Rules Committee referral 12/11/02)

Council approved the authorization of the City Manager to file a petition requesting the delay of abandonment of the rail line or enter into exclusive negotiations for purchase of the line.

Resolution No. 71352 adopted.

2.30 Approval of fiscal actions related to Novell Property Deposit and Purchase Expenses.

Recommendation: Adoption of appropriation ordinance and funding sources resolution amendments in the General Fund to:

- (a) Establish an appropriation in City-Wide to the Office of the City Manager in the amount of \$350,000 for Novell Property Deposit and Purchase Expenses.
- (b) Increase the estimate for Other Revenue by \$350,000.

CEQA: Exempt, PP02-06-148. (City Manager's Office)

(Orders of the Day)

Ordinance No. 26798 adopted.

Resolution No. 71353 adopted.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

3.2 Report of the Rules Committee

Vice Mayor Shirakawa, Jr., Chair

Meeting of December 4, 2002

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review December 17, 2002 Draft Agenda
The Committee recommended approval
 - (2) Add New Items to December 10, 2002 Amended Agenda
The Committee recommended three additions to the December 10, 2002 City Council agenda with one addition.
 - (3) Review December 17, 2002 General Plan Hearing Agenda
The Committee recommended one change to the December 17, 2002 General Plan Hearing agenda.
- (c) City Council Committees
 - (1) Amendments to Council Committee Agendas
 - (a) Finance and Infrastructure Committee
 - (b) Economic Development and Environment Committee
 - (c) Education, Neighborhoods, Youth, and Seniors Committee**None Filed.**
- (d) Meeting Schedules
City Attorney Rick Doyle reminded the Committee that on November 27th, Rules-In-Lieu approved the Annual Joint Review of Capital Budgets by City Council, Redevelopment Agency Board and County Board of Supervisors to be held on December 9, 2002, 3:30 P.M., in the County Board of Supervisors' Chambers, with the following agenda:
 - (1) **Adoption of a resolution by the County specifying its intent regarding expenditure of delegated Redevelopment Funds for FY 2000-01 and 2001-02.**
 - (2) **Adoption of a resolution by the Agency Board regarding its intent to issue bonded indebtedness in FY 2002-03.**
- (e) The Public Record
There was no Public Record filed.
- (f) Boards, Commissions and Committees
There were none.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee

Vice Mayor Shirakawa, Jr., Chair

Meeting of December 4, 2002 (Cont'd)

- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee

There were none.

- (h) Administrative Reviews and Approval

- (1) Request from Council Member Campos to use Council General funds to attend League of California Cities' Annual Latino Caucus Board Retreat in San Diego, CA, January 10-12, 2003

The Committee approved Council Member Campos' request to use Council General funds to attend League of California Cities Annual Latino Caucus Board Retreat in San Diego, CA, January 10-12, 2003.

- (2) Report on Code Enforcement Case Tracking System

The Committee accepted the Information Memorandum which described the newly created Code Enforcement Tracking System (CETS).

- (i) Oral communications

None were presented.

- (j) Adjournment

The meeting adjourned at 2:25 P.M.

Rules Committee Report for December 4, 2002 accepted.

Meeting of December 11, 2002

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting

- (b) City Council

- (1) Review December 24, 2002 Draft Agenda

DROP – Holiday Closure

- (2) Add New Items to November 17, 2002 Amended Agenda

The Committee recommended five additions to the December 17, 2002 City Council agenda.

- (c) City Council Committees

- (1) Amendments to Council Committee Agendas

- (a) Finance and Infrastructure Committee

- (b) Economic Development and Environment Committee

- (c) Education, Neighborhoods, Youth, and Seniors Committee

None Filed.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee Meeting of December 11, 2002 (Cont'd)

- (d) Meeting Schedules
- (1) Adopt proposed 2003-2004 City and Redevelopment Agency Budget Calendar
The Committee recommended adoption of the proposed 2003-2004 City and Redevelopment Agency Budget Calendar.
- (2) Approve the FY 2003-2004 Budget Study Session Calendar
The Committee recommended approval of the following Study Session dates for the Department/Appointee Review meetings for the proposed 2003-2004 City and Redevelopment Agency budgets:
- | | | |
|--------------|----------------------------------|--|
| May 12, 2003 | 1:30–4:30 P.M. | 2003-2004 Budget Overview
SS on CSA/Appointee Review |
| May 14, 2003 | 8:30 A.M.–Noon | SS on CSA/Appointee Review |
| May 15, 2003 | 8:30 A.M.–Noon
1:30–4:30 P.M. | SS on CSA/Appointee Review
SS on CSA/Appointee Review |
| May 16, 2003 | 8:30 A.M.–Noon | SS on Capital Improvement Program |
| May 19, 2003 | 8:30 A.M.–Noon | SS on Redevelopment Agency |
| May 21, 2003 | 1:30–4:30 P.M. | SS on CSA/Appointee Review |
| May 22, 2003 | 8:30 A.M.–Noon | SS on CSA/Appointee Review |
- (e) The Public Record
There was no Public Record filed.
- (f) Boards, Commissions and Committees
- (1) Police and Fire Retirement Board of Administration
The Committee recommended Council support of HR848 (Sandlin) Social Security Benefits Restoration Act, which would seek to repeal the Windfall Elimination Provisions; and HR2638 (McKeon) and S1523 (Feinstein), which would seek to repeal both the Windfall Elimination Provisions and the Government Pension Offset.
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
- (1) Request to develop a policy for selecting sites for City-sponsored meetings
The Committee directed Administration to return to Rules Committee January 15, 2003 with a workload assessment to develop a policy that will require the City of San Jose and City-funded organizations to select sites that are located in San Jose for their events, planning sessions, retreats, and other meetings of this nature.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee Meeting of December 11, 2002 (Cont'd)

- (h) Administrative Reviews and Approval
 - (1) 2002 State Legislative Summary
The Committee accepted the 2002 State Legislative Summary.
 - (2) 2002 Federal Legislative Summary
The Committee accepted the 2002 Federal Legislative Report.
- (i) Oral communications
Ross Signorino commented on the City's legislative priorities and suggested that proposed taxes include a sunset clause. City Clerk O'Hearn presented Chair Shirakawa, Jr. with a Certificate of Election that had been prepared for his father, George Shirakawa, Sr., just before his untimely death in 1994.
- (j) Adjournment
The meeting adjourned at 2:55 P.M.

**Rules Committee Reports and Actions of December 11, 2002 accepted.
Noes: Reed on Items 3.2d(1) and (2).**

3.3 Report of the Finance and Infrastructure Committee Council Member Dando, Chair **No Report.**

3.4 Approval of a list of the proposed Collaborative Action Plan and agreement with Santa Clara Valley Water District.

Recommendation: Approval of a list of the proposed Collaborative Action Plan and Agreement (CAP) with Santa Clara Valley Water District for the development and operation of joint-trail-related projects. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

(Deferred from 12/3/02 – Item 3.7)

Approved. Staff directed to provide in the next report to Council an organizational flow chart indicating the areas of responsibility of each organization.

3 STRATEGIC SUPPORT SERVICES

3.5 Approval of various fiscal actions for Redevelopment Agency Capital Projects.

Recommendation: Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-Side Redevelopment Fund) in the amount of \$4,956,000, and the Low and Moderate Income Housing Fund in the amount of \$250,000, to provide funding for various Strong Neighborhood Initiative (SNI) projects, and adoption of a resolution making certain determinations regarding the expenditure of Agency Funds on certain public improvements. CEQA: Resolution No. 71042, PP02-10-312. (City Manager's Office)

Ordinance No. 26799 adopted.

Resolution Nos. 71354-71355 adopted.

Staff directed to provide a project matrix assigning responsibility for implementation actions by City/RDA departments in advance of project discussions.

3.6 Approval of various actions related to the City's San José Water/Municipal Water System.

Recommendation:

- (a) Acceptance of the report from City's San José Water/Municipal Water System negotiating team.
- (b) Authorization for the City Manager to proceed in developing a partnership agreement with San José Water focusing on utility billing, hydrant maintenance and a purchase order for consulting services.

CEQA: Not a Project. (Mayor/Council/City Manager's Office/Auditor)

Deferred to 1/14/03.

3.7 Approval to amend the 2002-03 Schedule of Fees and Charges to increase the Underground Utility Fee.

Recommendation: Adoption of a resolution amending the 2002-03 Schedule of Fees and Charges to increase the Underground Utility Fee to \$224 per linear foot, from \$112 per linear foot. CEQA: Not a Project. (Public Works)

Deferred to 1/14/03.

3 STRATEGIC SUPPORT SERVICES

3.8 Approval to allow the City Manager to enter into professional services agreements for the San José Civic Center Project.

Recommendation:

- (a) Approval of a third amendment to the agreement with Richard Meier & Partners (RMP) for architectural services extending the term of the agreement from December 31, 2002 to December 31, 2005, and increasing the compensation by \$5,550,000 , from \$20,000,000 to \$25,550,000.

Approved.

- (b) Approval of an agreement with Engineering Economics, Inc. (EEI) for building commissioning services in an amount not to exceed \$390,000 and with a term extending through June 30, 2006.

Approved.

- (c) Approval of an agreement with Signet Testing Labs for construction phase testing and inspection services in an amount not to exceed \$1,100,000 and with a term extending through June 30, 2005.

Approved.

- (d) Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to the agreement with Earth Tech Environmental, Inc. for environmental services increasing the compensation by an amount not to exceed \$150,000, from \$96,120 to an amount not to exceed \$246,120.

Resolution No. 71356 adopted.

- (e) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with The Steinberg Group for interior design architectural services in an amount not to exceed \$1,400,000 and with a term extending through June 30, 2005.

CEQA: Civic Plaza Redevelopment Plan EIR, Resolution No. 68905, PP98-03-072.

Council District 3. SNI: University. (Public Works)

(Deferred from 12/10/02 – Item 3.6)

Resolution No. 71357 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee – December 2, 2002

Council Member Williams, Chair

- (a) Hayes Conference Center
The Committee accepted the staff report.

SEE ITEM 4.2 FOR COUNCIL ACTION TAKEN

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee – December 2, 2002 (Cont'd)

- (b) Update of City Council Policy 9-3: Community Identification Signs
The Committee accepted the staff report.

SEE ITEM 4.6 FOR COUNCIL ACTION TAKEN

- (c) Signage in the Residential Areas
No action was taken and the Committee agreed to forward to Council at the December 17, 2002 meeting, staff's report on, "Signage in the Residential Areas".

SEE ITEM 4.7 FOR COUNCIL ACTION TAKEN

- (d) Update on City Policy for Wireless Communications
The Committee deferred staff's report to the next committee meeting in 2003.

- (e) Street Tree Pruning and Replacement Process
The Committee accepted the staff report.

SEE ITEM 4.8 FOR COUNCIL ACTION TAKEN

- (f) Oral petitions
None Filed.

- (g) Adjournment
Meeting was adjourned at 3:25 P.M.

Economic Development and Environment Committee Report and Actions of December 2, 2002 accepted, with 4.1(a) heard as Item 4.2, 4.1(b) heard as Item 4.6, 4.1(c) heard as Item 4.7, and Item 4.1(e) heard as Item 4.8.

4.2 Acceptance of the report on the performance of the Hayes Conference Center.

Recommendation: Acceptance of the report on the performance of the Hayes Conference Center and the status of lease marketing efforts by Hayes Renaissance Limited Partnership. CEQA: Not a Project. (City Manager's Office)
(Referred from 9/24/02 San José Financing Authority – Item 2)
[Economic Development and Environment Committee referral 12/2/02 – Item 4.1(a)]
Mayor Gonzales requested the Hayes Renaissance Limited Partnership to keep City Council apprised of future marketing campaigns.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.3 Approval of various actions related to the formation of Community Facilities District No. 9 (Bailey/Highway 101).

Recommendation: PUBLIC HEARING and take the following actions relating to the formation of Community Facilities District No. 9 (Bailey/Highway 101) and the issuance of bonded indebtedness:

- (a) Adoption of a resolution of formation of Community Facilities District No. 9 (Bailey/Highway 101), authorizing the levy of a special tax therein, preliminarily establishing an appropriations limit therefore and submitting a levy of the special tax and the establishing of the appropriations limit to the qualified electors thereof.

Resolution No. 71363 adopted.

- (b) Adoption of a resolution determining the necessity to incur bonded indebtedness.

Resolution No. 71364 adopted.

- (c) Adoption of a resolution calling a special election.

Resolution No. 71365 adopted.

- (d) Adoption of a resolution declaring the results of the special election and directing the recording of the notice of the special tax lien.

Resolution No. 71366 adopted.

- (e) Adoption of an ordinance levying special taxes within Community Facilities District No. 9 (Bailey/Highway 101).

Ordinance No. 26808 adopted.

- (f) Adoption of a resolution authorizing the issuance and sale of special tax bonds in an aggregate principal amount not to exceed \$15,000,000, to be sold at a negotiated sale, approving the form and authorizing the execution of the Fiscal Agent Agreement, and approving the use of the Official Statement in connection with the sale of the Bonds and directing and authorizing certain other related actions.

CEQA: Resolution No. 68705. Council District 2. (Finance/Public Works)

Item 4.3(f) deferred to 1/14/03.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.4 Approval of various actions related to the proposed formation of Community Facilities District No. 10 (Hassler – Silver Creek).

Recommendation:

- (a) Adoption of a resolution in connection with the proposed formation of Community Facilities District (“CFD”) No. 10 (Hassler – Silver Creek) for the development known as “The Ranch on Silver Creek”:
 - (1) Declaring the City’s official intent to reimburse expenditures pursuant to United States Treasury Regulations Section 1.150-2 from tax-exempt bond proceeds;
 - (2) Authorizing the City Manager to negotiate and execute the following agreements with Cerro Plata Associates, LLC and/or its related entities:
 - (a) A Deposit/Reimbursement Agreement to ensure payment of the costs of the City in forming the CFD and otherwise in connection with the issuance of bonds for the CFD;
 - (b) An Acquisition Agreement which sets forth certain terms related to the financing of public improvements through the CFD subject to subsequent City approvals.

Resolution No. 71367 adopted.

- (b) Adoption of an appropriation ordinance and a funding sources resolution amendment in the Construction Excise Tax Fund #465:
 - (1) Establishing an appropriation to the Department of Public Works for the Hassler – Silver Creek Project in the amount of \$75,000;
 - (2) Increasing the estimate for Earned Revenue by \$75,000.

CEQA: Resolution No. 64913, PP02-11-347. Council District 8. (Finance/Public Works/City Manager's Office)

Ordinance No. 26809 adopted.

Resolution No. 71368 adopted.

4.5 Approval of funding for the Cherryview Senior Apartments.

Recommendation: Adoption of a resolution approving a funding commitment for a conditional grant of up to \$7,032,462 to ROEM Development Corporation, or its designated affiliate, for the construction and permanent financing of the Cherryview Senior Apartments, a 126-unit senior rental development located at 5067 Almaden Expressway. CEQA: Negative Declaration, PDCSH-02-032. Council District 9. (Housing)

Resolution No. 71369 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.6 Approval of various actions related to Policy 9-3: Community Identification Signs.

Recommendation: Adoption of a resolution:

- (a) Rescinding the current Council Policy 9-3 prohibiting the installation of community identification signs other than those of a historical nature; and
- (b) Adopting a replacement policy based on the proposed guidelines and criteria for allowing community identification signs and architectural/gateway monuments within the public right-of-ways outside the Greater Downtown Area.

(Planning, Building and Code Enforcement)

[Economic Development & Environment Committee referral 12/2/02 – Item 4.1(b)]

Deferred to 1/14/03.

4.7 Approval of an ordinance amending signage regulations in residential areas.

Recommendation: Approval of an ordinance amending Sections 23.04.320, 23.04.330, 23.04.340, 23.04.350, and 23.04.830 of Chapter 23.04 of Title 23 of the San José Municipal Code to amend signage regulations in residential zoning districts and to provide for an amortization period for certain temporary signs in those districts. CEQA: Exempt.

[Economic Development & Environment Committee referral 12/2/02 – Item 4.1(c)]

Deferred to 1/14/03.

4.8 Approval of an ordinance relating to street trees.

Recommendation: Approval of an ordinance amending Chapter 13.28 of Title 13 of the San José Municipal Code to allow licensed contractors to trim, prune, or cut street trees and to allow residents to trim, cut, or prune street trees in emergency situations without the necessity of obtaining a permit and imposing certain notification obligations on a selling or transferring property owner to the purchaser or transferee regarding the condition and existence of street trees on the residential property.

[Economic Development & Environment Committee referral 12/2/02 – Item 4.1(e)]

Deferred to 1/21/03.

4.9 Public Hearing on the Historical Property Contract for the Hotel Metropole.

Recommendation: PUBLIC HEARING on the Historical Property Contract for the Hotel Metropole, City Landmark No. HL88-46 and the Sunol Building, City Landmark No. HL02-129 located at the northwest corner of South Market and Post Streets (35 South Market St.) on 0.33 gross acre. (Florin II LTD, William B. Mitchell G.P., Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Historic Landmarks Commission recommend approval (5-0-1). (Planning, Building, and Code Enforcement)

MA 02-003 - District 3

(Continued from 10/8/02 – Item 4.3 et al, and 12/10/02 – Item 4.2)

Dropped.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.10 Public Hearing on the Historical Property Contract for the Clara Louise Lawrence Residence.

Recommendation: PUBLIC HEARING on the Historical Property Contract for the Clara Louise Lawrence Residence, City Landmark No. HL02-142, located at the east side of Randol Avenue, approximately 180 feet southerly of The Alameda (1146 Randol Avenue). (Jim Blair, Eaglecreek Associates II, Owner). CEQA: Exempt. (Planning, Building and Code Enforcement)

MA 02-001 - District 6

(Continued from 12/10/02 – Item 4.3)

The recommendation of the Planning Director and the Planning Committee was accepted and the proposal was denied.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee Council Member Chavez, Chair

No Report.

5.2 Acceptance of the Annual Status Report on the Library Bond Projects.

Recommendation: Acceptance of the Annual Status Report on the Library Bond Projects. CEQA: Not a Project. (Citizen Oversight Committee for the Library Bond Projects)

Report Accepted.

5.3 Approval of the Annual Report on the Safe Neighborhood Parks and Recreation Bond Projects.

Recommendation: Approval of the Annual Report on the Safe Neighborhood Parks and Recreation Bond Projects. CEQA: Not a Project. (Citizen Oversight Committee for the Parks and Recreation Bond Projects)

Approved.

5.4 Approval of naming the new branch library on Blossom Hill Road.

Recommendation: Approval of the Library Commission's recommendation naming the new branch library currently being constructed on Blossom Hill Road the "Vineland Branch Library." CEQA: Not a Project. Council District 10. (Library Commission)

Approved.

5 RECREATION & CULTURAL SERVICES

5.5 Approval of the Sixth and Bestor Park Master Plan

Recommendation: Approval of the Sixth and Bestor Park Master Plan. CEQA: Negative Declaration, PP02-10-300. Council District 3. SNI: Spartan/Keyes. (Parks, Recreation and Neighborhood Services)

Staff report was amended to read in Background portion, Paragraph 1, last line: “basketball court, community garden, seating areas, pathways, and artwork”.

5.6 Public Hearing and approval of an agreement of City-owned property on Senter Road.

Recommendation: Public Hearing and approval of an agreement with Synergy Properties, LLC for the exchange of approximately 3.82 acres of City-owned property on Senter Road for approximately 12.99 acres of property along the east side of Coyote Creek known as the Carroll property. CEQA: Exempt, PP02-12-369. Council District 7. SNI: Tully/Senter. (Parks, Recreation and Neighborhood Services/Public Works)

SEE GENERAL PLAN AGENDA FOR COUNCIL ACTION TAKEN UNDER ITEM 2.8(b)

5.7 Approval to award a contract for the Camden Multi-Service Community Center Project.

Recommendation: Report on bids and award of contract for the Camden Multi-Service Community Center Project to the low bidder, Arntz Builders, for the base bid and Add Alternates Nos. 1, 2, 3, 4 and 5 in the amount of \$6,111,331, and approval of a contingency in the amount of \$620,000 CEQA: Mitigated Negative Declaration, PP01-11-208. Council District 9. SNI: Union/Curtner. (Public Works)

Staff recommendation changed to request that the City Council authorize the City Manager to evaluate the bids, determine the lowest responsive bidder, and award the contract with all change orders that are consistent with the budget.

Resolution No. 71370 adopted.

5.8 Approval to award a contract for the Forestdale Tot Lot and Martin Park Play Area Renovation Project.

Recommendation: Report on bids and award of contract for the Forestdale Tot Lot and Martin Park Play Area Renovation Project to the low bidder Beacon Construction Inc., to include the base bid and Add Alternate No. 1 in the amount of \$503,292 and approval of a contingency in the amount of \$25,000. Forestdale Tot Lot CEQA: Exempt, PP02-09-257. Martin Park CEQA: Exempt, PP02-09-258. Council District 3. SNI: Brookwood Terrace. (Public Works)

Approved.

6 TRANSPORTATION SERVICES

6.1 Approval to award a contract for the Smart Intersections Program Communications System 2002 Phase 1, Package B Project.

Recommendation: Report on bids and award of contract for the Smart Intersections Program Communications System 2002 Phase 1, Package B Project to the low bidder, Prism Engineering, Inc., in the amount of \$707,317 for the base bid, and approval of a contingency in the amount of \$70,730. CEQA: Exempt, PP 02-04-092. SNI: Tully/Senter. (Public Works)

Deferred to 1/21/03.

6.2 Approval of the addition of the 300 block of Saint John Street into the Arena Permit Parking Area.

Recommendation: Approval of an ordinance amending Section 11.48.100 of Chapter 11.48 of Title 11 of the San José Municipal Code for the addition of the 300 block of Saint John Street into the Arena Permit Parking Area, which includes the following segments:

- (a) The north side of Saint John Street from a point fifty-two feet east of North River Street to a point two hundred twenty-one feet east of North River Street;
- (b) The south side of Saint John Street from a point thirty-four feet east of North River Street to a point one hundred fifty-two feet east of North River Street.

CEQA: Exempt, PP02-11-358. Council District 3. (Transportation)

Deferred to 1/21/03.

6.3 Approval of a grant agreement with the Santa Clara Valley Transportation Authority

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a Transportation Fund for Clean Air (TFCA) grant agreement with the Santa Clara Valley Transportation Authority (VTA) to receive grant funding in an amount not to exceed \$880,500, for the following three transportation projects:
 - (1) San José Light Rail Transit Signal Timing in an amount not to exceed \$435,000;
 - (2) Silicon Valley Transportation Management Center in an amount not to exceed \$280,000;
 - (3) Class 1 Coyote Creek Bicycle Path in an amount not to exceed \$165,500.

Resolution No. 71371 adopted.

6 TRANSPORTATION SERVICES

6.4 Approval of a grant agreement with the Santa Clara Valley Transportation Authority (Cont'd)

- (b) Adoption of the following appropriation ordinance amendment in Council District 4 Construction & Conveyance Tax Fund:

- (1) Increasing the River Oak/Coyote Creek Trail Project by \$295,000; and
- (2) Decreasing the Ending Fund Balance by \$295,000.

San José Light Rail Transit Signal Timing CEQA: Exempt, PP02-11-356. Silicon Valley Transportation Management Center CEQA: Exempt, PP02-07-193. Class 1 Coyote Creek Bicycle Path CEQA: Exempt, PP98-01-002. (Transportation/Parks, Recreation and Neighborhood Services/City Manager's Office)

Ordinance No. 26810 adopted.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of various actions related to Recycle Plus Rate increases.

Recommendation:

- (a) PUBLIC HEARING on proposed Fiscal Year 2002-03 Recycle Plus (RP) rate increases;

Public Hearing held. Four residents addressed the Council.

- (b) Adoption of a resolution revising RP rates for services beginning February 1, 2003, increasing single family rates by 3% and multi-family rates by 4%, as shown in the charts; and

Resolution No. 71358 adopted. Noes: Diquisto.

- (c) Direction to staff to return to Council during the FY 2003-04 budget process with recommendations for a new five-year rate strategy.

CEQA: Not a project. (Environmental Services)

Approved.

8 AVIATION SERVICES

8.1 Approval of an agreement for security services at the Airport.

Recommendation: Adoption of a resolution authorizing the Director of General Services to:

- (a) Negotiate and execute a one-year agreement with two, one-year options with National Security Industries for security guard services at the Norman Y. Mineta San José International Airport, with a total first year compensation not to exceed \$2,200,000.
- (b) Execute each of the options to renew with compensation adjustments based on the Consumer Price Index, without further City Council action other than the appropriation of necessary funding.

CEQA: Resolution No. 67380, PP02-10-315. (General Services/Airport)

(Deferred from 12/3/02 – Item 8.1)

Council rejected all bids and authorized the City Manager to rebid agreement, and to negotiate a 3-month extension with the current provider. Staff directed to take into consideration issues of Labor Peace. Noes: Shirakawa, Jr.

9 PUBLIC SAFETY SERVICES

9.1 Presentation and report on Santana Row/Moorpark Area Fire.

Recommendation: Presentation and report on Santana Row/Moorpark Area Fire. (City Manager's Office)

(Rules Committee referral 12/11/02)

Staff requested to review capability of the City, working with other agencies, to provide assistance to displaced residents due to similar disasters. Mayor and City Council thanked Fire Chief Alarcon for the report and commended him and his staff for the extraordinary efforts in battling one of the worst fires in the history of San Jose and applauded their courageous effort.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

Redevelopment Agency Board convened at 10:05 P.M. to consider Items 10.1, 10.2, 10.3, and 10.4 in a Joint Session.

10.1 Amendment to the Conflict of Interest Codes.

Recommendation: Adoption of resolutions by the City Council and Redevelopment Agency amending the Conflict of Interest Codes for the City of San José and the San José Redevelopment Agency. CEQA: Not a Project. (City Clerk/Redevelopment Agency)

Resolution No. 71372 adopted.

Agency Resolution adopted.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.2 Approval of the Guadalupe River Master Plan 2002

Recommendation: Adoption of resolutions by the City Council and Agency Board approving the Guadalupe River Master Plan 2002. CEQA: Resolution to be adopted. (City Manager's Office/Redevelopment Agency)

Staff report verbally amended to clarify that the River Street Historic District is not in the Guadalupe Park Master Plan.

CEQA Resolution No. 71373 adopted.

Resolution No. 71374 adopted.

Agency Board Resolution adopted.

10.3 Approval of various actions related to the draft 2003 Legislative Priorities.

Recommendation:

- (a) Review and discuss draft 2003 Legislative Priorities (Attachment A) at the Council meeting on December 17, 2002.
- (b) Take final action on the 2003 Legislative Priorities and Mayor's Legislative Policy recommendations that reflect Council input at the meeting on January 14, 2003.

(City Manager's Office/Redevelopment Agency)

No Council action was taken, Staff to report back on 1/14/03, and Staff was directed to review the consideration of Housing for Domestic Violence and First Responder Funding issues, in the report to Council on 1/14/03.

10.4 Acceptance of an invitation from Cirque du Soleil to send City and Agency officials and staff to the opening night performance of "Varekai."

Recommendation: Adoption of resolutions by the City Council and Redevelopment Agency Board accepting the invitation from Cirque du Soleil to send City and Agency officials and staff to the opening night performance of "Varekai" on Thursday, January 16, 2003. CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)

Resolution No. 71375 adopted.

Redevelopment Agency Board portion of the meeting adjourned at 10:21 P.M.

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9460	E/s of N. Capitol Ave., 100 feet n/o Autumnvale Ave.	4	Capitol Park Townhomes, LLC	17 units	SFA	Approve

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9459	E/S of Roberts Ave., 340 feet s/o Story Rd	7	Roberts Avenue Associates	16 units	Multi-family
9470	NE/C of 8 th St. and East Mission St.	3	Regis Homes of Northern California	66 units	Multi-family

- Open Forum—
Danny Garza addressed the Council on neighborhood issues.

11 PUBLIC HEARINGS

(To be heard by the City Council at 7:00 p.m.)

11.1 Public Hearing on conforming rezoning at South First Street and East Virginia Street.

Recommendation: PUBLIC HEARING ON CONFORMING REZONING of the property located at the east side of South First Street approximately 210 feet north of East Virginia Street, from A(PD) Planned Development Zoning District and LI Light Industrial Districts to CN Neighborhood Commercial District to allow commercial uses on 0.59 gross acres. (Vasanti and Viren Patel, Owner/Developer). CEQA: Resolution No. 65459. Director of Planning, Building, and Code Enforcement recommends approval of rezoning to CP Pedestrian Commercial District. No Planning Commission action required.

C 02-070 - District 3

(Continued from 11/5/02 – Item 11.7 et al., and 12/3/02 – Item 11.2)

Ordinance No. 26800 passed for publication.

11.2 Public Hearing on planned development prezoning at Tully and Senter Roads.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT PREZONING of the property located at the south side of Tully Road, approximately 500 feet west of Senter Road, from County to A(PD) Planned Development Zoning District, to allow a maximum of 561 multi-family attached residential units on 11.4 gross acres. (County of Santa Clara, Owner; County of Santa Clara and ROEM, Developer). CEQA: Resolution to be Adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-1-0).

PDC 02-040 - District 7 (Continued from 12/3/02 – Item 11.3)

Council took the following actions: (1) Made Findings of Overriding Considerations, (2) Approved the recommendation of the Planning Staff and Planning Commission for approval of the proposed Planned Development Prezoning, on the condition that the City enters into a joint use agreement with the school district for a period of 20 years and that any changes to said agreement be brought to the City Council, and (3) Staff was directed to explore with the County the potential for recreational options on the Fairgrounds site.

CEQA Resolution No. 71359 adopted.

Ordinance No. 26801 passed for publication.

11 PUBLIC HEARINGS

11.3 Public Hearing on planned development rezoning of the property located on the easterly side of U.S. Highway 101 and northerly of Metcalf Road.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the easterly side of US 101, northerly of Metcalf Road, from R-1-1 Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to 200 single-family detached residences on approximately 257 gross acres. (Braddock & Logan Group, LP, & Almaden Associates, LP, Owner; Braddock & Logan Group, Developer). CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement recommend approval with conditions and Planning Commission recommend denial (7-0-0).

PDC 01-10-098 - District 2

**CEQA Resolution No. 71360 adopted under General Plan,
Item 2.1(a). Noes: Lezotte.**

Ordinance No. 26807 passed for publication. Noes: Lezotte.

**SEE GENERAL PLAN AGENDA FOR COUNCIL ACTION TAKEN, HEARD
AFTER ITEMS 2.1(a) and (b)**

11.4 Public Hearing on planned development rezoning of the property located at Bonita and Herald Avenues.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of Bonita Avenue, approximately 150 feet north of Herald Avenue, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow up to 32 single-family attached dwelling units on 1.37 gross acres. (Bonita Condos, LLC, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval with conditions and Planning Commission recommends denial (4-2-1).

PDC 02-056 - District 3

Council approved Council Member Chavez' memorandum dated December 17, 2002, recommending approval of the Staff recommendation with the following amendments (1) Decrease the number of allowable units to 31, (2) Increase the set-back along the eastern property line to 20 feet, (3) Increase the rear setback along the rear building to 15 feet, (4) Increase the amount of private open space for each unit, and design amenities into the common open space (i.e, inclusion of tot lot and/or BBQ area), (5) Include a high-level of articulation in the roof line and front elevation to differentiate the units and maintain a row-house appearance, and (6) Include traffic-calming elements along Bonita during the PD Permit phase.

Ordinance No. 26802 passed for publication.

11 PUBLIC HEARINGS

11.5 Public Hearing on planned development rezoning of the property located at Northrup Street and I-280.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southwestern corner of Northrup Street and Interstate 280, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow a maximum of 14 single-family attached residential units on 0.72 gross acre. (Blackwell Brothers Development Company, Owner/Developer). CEQA: Draft Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend denial (5-1-1)
PDC 02-058 - District 6

Deferred to 1/21/03.

11.6 Public Hearing on Director-initiated planned development rezoning of the property located at Remillard Court and Story Road.

Recommendation: PUBLIC HEARING ON DIRECTOR-INITIATED PLANNED DEVELOPMENT REZONING of the property located at the northeast corner of Remillard Court and Story Road, from IP Industrial Park to IP(PD) Planned Development, to allow uses of the IP Industrial Park Zoning District with a reduced parking requirement for social service agencies on 1.06 gross acres. (Joseph and Louise Migliozi, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).
PDC 02-090 - District 7

Ordinance No. 26803 passed for publication.

11.7 Public Hearing on planned development prezoning of the property located at Springbrook Avenue and Canyon Ridge Drive.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT PREZONING of the property located northerly of the intersection of Springbrook Avenue and Canyon Ridge Drive, from County to A(PD) Planned Development Zoning District, to allow 7 single-family detached residences on a 24.4 gross acre site. (Richard A. Ceraolo, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).
PDC 01-102 - District 8

Ordinance No. 26804 passed for publication.

11 PUBLIC HEARINGS

11.8 Public Hearing on planned development rezoning of the property located at Bassett and North First Streets.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northwest corner of Bassett Street and North First Street, from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District, to allow up to 42 single-family attached residential units on 1.48 gross acres. (Redevelopment Agency of the City of San José, Owner; Classic Communities, Inc., Developer). CEQA: Resolution No. 68839. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1)
PDC 02-084 - District 3

Council approved Council Member Chavez' memorandum dated December 17, 2002, recommending approval of Staff recommendation with the following direction: (1) Staff to continue to explore with the applicant the potential for development of public open space in the adjacent remnant site. Ordinance No. 26805 passed for publication. Disqualified: Gonzales, due to conflict of interest.

11.9 Public Hearing on planned development rezoning of the property located at The Alameda and North Morrison Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northeasterly corner of The Alameda and North Morrison Avenue, from CG Commercial General District and CO Commercial Office District to A(PD) Planned Development Zoning District, to allow up to 40 single-family attached live-work and loft residential units, single-family residential uses, existing office uses and structured parking on 0.99 gross acres (Green Valley Corporation, Owner/Developer; James Hartigan, Owner). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).
PDC 01-060 - District 6

Ordinance No. 26806 passed for publication.

11.10 Public Hearing on planned development rezoning of the property located at N. First and E. Julian Streets.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northeast corner of N. First and E. Julian Streets, from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District, to allow up to 40 single-family attached dwelling units on 0.60 gross acre. (City of San José Redevelopment Agency, Owner/Regis Homes of Northern California, Developer). CEQA: Resolution No. 68839.
PDC 02-077 - District 3

Continued to 2/4/03.

- Open Forum
- Adjournment

Meeting was adjourned in memory of Bill Kraus, employee in the Department of Parks, Recreation and Neighborhood Services; and in memory of Deborah Lazaneo, wife of Bill Brill, Chair of the Civil Service Commission.

**THE FOLLOWING RESOLUTIONS WERE ADOPTED AT THE
JOINT REDEVELOPMENT AGENCY/CITY COUNCIL MEETING
ON TUESDAY, 12/17/03:**

- 7.1 Resolution No. 71376, entitled: “Resolution of the Council of the City of San Jose Approving the Annual Report of Financial Transactions of Community Redevelopment Agencies, Fiscal Year 2001-2002, and Directing Staff to Forward the Report to the State of California Controller”, was adopted. Vote 11-0-0-0.
- 7.2(a) Resolution No. 71377, entitled: “Resolution of the Council for the City of San José Approving the Disposition of the Real Property Located at 941 The Alameda to Green Valley Corporation, Accepting the 33433 Summary Report and Re-Use Appraisal, and Finding that the Disposition of the Property Will Assist in the Elimination of Blight, is Consistent with the Implementation Plan for the Alameda Redevelopment Project Area and that the Consideration for the Property is Not Less than the Fair Reuse Value for the Proposed Use, with the Covenants and Conditions and Development Costs Authorized by the Dispositions and Development Agreement (DDA)”, was adopted. Vote 11-0-0-0.